



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

KAY STRATEGIES, INC, et al.,  
Plaintiffs,  
v.  
UBIQUITY, INC., et al.,  
Defendants.

Case No.: 15cv2720-H (DHB)

**NOTICE REGARDING EARLY  
NEUTRAL EVALUATION  
CONFERENCE AND SCHEDULING  
OF CASE MANAGEMENT  
CONFERENCE**

**IT IS HEREBY ORDERED** that the Early Neutral Evaluation Conference currently scheduled for November 21, 2016 at 10:00 a.m. is **RESCHEDULED** to **November 17, 2016 at 2:00 p.m.** before the Honorable Louisa S Porter. The Conference will be conducted in the chambers of the Honorable David H. Bartick, United States Magistrate Judge, U.S. Courthouse, 333 West Broadway, Suite 1080, San Diego, California. The Court previously converted the Conference to a telephonic attorneys-only conference. However, in light of the fact the Conference has been set before Judge Porter, the Conference shall go forward in person, with all parties and counsel in attendance.

In the event the case does not settle at the ENE Conference, the parties are **HEREBY NOTIFIED** the Court will hold a Case Management Conference at the conclusion of the conference. Rule 26 of the Federal Rules of Civil Procedure shall apply to this case. Accordingly, the parties shall meet and confer pursuant to Rule 26(f) no later than **21 days**

1 **before the ENE Conference** and be prepared to discuss their Joint Discovery Plan during  
2 the CMC. A Scheduling Order will issue following the conference which will include a  
3 Rule 26(a)(1) initial disclosure deadline.

4 A proposed Joint Discovery Plan shall be submitted directly to Magistrate Judge  
5 David H. Bartick's chambers **at least five (5) court days prior to the ENE** (the parties  
6 should consult Rule 26(f) for the substance of the Joint Discovery Plan). The proposed  
7 Joint Discovery Plan should be e-mailed to: **efile\_Bartick@casd.uscourts.gov**. With  
8 regard to electronically stored information (ESI), the parties shall address:

- 9 1. The nature of each parties' computer system, including the computer software  
10 and hardware system configuration, the operating and application software,  
11 and the backup, retention, storage and archival procedures regarding ESI that  
12 is relevant to the case.
- 13 2. The preservation of ESI relevant to the case.
- 14 3. Search terms, search protocols and methods or procedures for privilege review  
15 and protection against inadvertent disclosure of privileged ESI.
- 16 4. Methods to minimize delay and expense of ESI through de-duplication,  
17 sampling or other means.

18 All other guidelines and requirements pertaining to the ENE outlined in the Court's  
19 August 22, 2016 Notice and Order for Early Neutral Evaluation Conference remain in  
20 effect. *See* ECF No. 33.

21 IT IS SO ORDERED.

22 Dated: October 3, 2016

  
LOUISA S PORTER  
United States Magistrate Judge